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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,101	10/31/2003	Ponani Gopalakrishnan	YOR920030447US1 (590.112)	1014
35195 7590 12/11/2007 FERENCE & ASSOCIATES LLC 409 BROAD STREET PITTSBURGH, PA 15143			EXAMINER TRAN, VINCENT HUY	
			ART UNIT 2115	PAPER NUMBER
			MAIL DATE 12/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/698,101

Applicant(s)

GOPALAKRISHNAN ET AL.

Examiner

Vincent T. Tran

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This Office Action is responsive to the Request for Continued Examination filed on October 2, 2007.
2. Claims 1-21 are pending for examination.
3. The text of those sections of Title 35, U.S. code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Lenchik.
3. As per claim 11, Lenchik discloses a system for resource configuration in a multi-modal distributed computing system having at least one resource capable of being configured, the method comprise step of:

obtaining information associated with a mobile device within the system [203, 204 fig. 2];

obtaining information associated with the system [202 fig. 2];

configuring said at least one resource based upon the information associated with the mobile device and the system [205 fig. 2].

wherein the resource is configured to provide the most appropriate mode of interaction for a user of the system [fig. 3-7]<sup>1</sup>; and

Wherein the mobile device is capable of utilizing the resource based on the interaction needs of the user.

Lenchik provides an apparatus and a method of directed to the selection of task and function icons [the resource] on a display based on an operating environment locale and historical record of previously selected functions and task within the operating environment locale to provide to most interaction needs of the user. For example, Within each locale, certain tasks are more probable than others, and consequently the representations of these more probable tasks (icons) are selected for presentation on the display. Positioning of the icons on the display is also determined by the locale. For instance, a probable task while at work might be to call an associate's telephone number, whereas a probable task while at home might be to turn on a television set. Each probable task or function might appear in a preferred part of the display based on the locale. With such a device and method, selectable function and/or task icons, based on both the present operating environment locale and previously selected function and task icons, can be positioned on the display providing a more user friendly interface to a user.

Please read col. 2 line 64 to col. 4 line 37 and col. 5 lines 7-20, as show, of the tasks and functions that are eligible for selection based on the locale, the device the task selector determines those tasks/functions that will likely be needed by the used [col. 3 lines 65-67] based on a historical record.

4. As per claim 12, Lenchik discloses an information associated with the mobile device includes contextual information associated with the needs of the user of the mobile device, the location of the mobile device, and the environment in which the mobile device is located [col. 3 lines 24-45].

5. As per claim 13, Lenchik discloses an information associated with the system includes information associated with the capabilities of devices within the system [col. 2 line 66 to col. 3 line 24].

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<sup>1</sup> Based on both the present operating environment locale and previously selected function and task icons, the resource [user interface] is configured to provide the most appropriate mode of interaction for a user such as telephone mode while at the office, cellular telephone mode while in a car, and remote control mode while at home etc....

6. As per claim 14, Lenchik discloses an information associated with the system includes information associated with characteristics of the environment in which the system is located [202 fig. 2].

7. As per claim 15, Lenchik discloses the characteristics of the environment in which the system is located are current characteristics [202 fig. 2].

8. As per claim 16, Lenchik discloses the at least one resource to be configured is an interface resource [fig. 3-7].

9. As per claim 17, Lenchik discloses the at least one resource be configured is a computing resource [icon fig. 3-7].

10. As per claim 18, Lenchik discloses the computing resource is an application [applicant to display icon – col. 4 lines 59-66].

11. As per claim 19, Lenchik discloses the application has multiple configuration and application is configured to be most appropriate for the environment in which the mobile device is located [configured both hierarchical and contextual rows of selectable icon].

12. As per claim 10, Lenchik discloses the at least one resource to be configured is an information resource [col. 3 lines 61-64; col. 4 lines 23-27].

13. As per claim 1-10, Lenchik teaches the method for resource configuration in a multi-modal distributed computing system. Therefore, Lenchik teaches the system to perform the method.

14. As per claim 21, Lenchik teaches the method for resource configuration in a multi-modal distributed computing system. Therefore, Lenchik teaches a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform the method.

15. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Parupudi et al. U.S. Patent No. 7,076,255 ("Parupudi").

16. As per claim 1, Parupudi discloses a system for resource configuration in a multi-modal distributed computing system having at least one resource capable of being configured, the system comprising:

an arrangement for obtaining information associated with a mobile device within the system [col. 3 lines 35-38; col. 4 lines 54-60];

an arrangement for obtaining information associated with the system [Master World, Secondary Words col. 9 – 15; col. 16 lines 8-12; or col. 27 lines 41-65];

an arrangement for configuring said at least one resource based upon the information associated with the mobile device and the system [col. 16 lines 51-55; col. 26 lines 28-32];

wherein the resource is configured to provide the most appropriate mode of interaction for a user of the system[col. 26 lines 45-53; col. 27 lines 4-40]; and

wherein the mobile device is capable of utilizing the resource based on the interaction needs of the user [col. 16 line 65 to col. 17 line 47; col. 22 lines 1-39; fig. 16].

17. As per claim 2, Parupudi discloses the information associated with the mobile device includes contextual information associated with the needs of the user of the mobile device, the location of the mobile device, and the environment in which the mobile device is located [col. 17 lines 1-47].

18. As per claim 3, Parupudi discloses the information associated with the system includes information associated with the capabilities of devices within the system [col. 27 lines 4-21].

19. As per claim 4, Parupudi discloses the information associated with the system includes information associated with characteristics of the environment in which the system is located [col. 27 lines 22-40].

20. As per claim 5, Parupudi discloses the characteristics of the environment in which the system is located are current characteristics [see claim 19].

21. As per claim 6, Parupudi discloses the at least one resource to be configured is an interface resource [col. 27 lines 19-21].

22. As per claim 7, Parupudi discloses the at least one resource to be configured is a computing resource [fig. 12].

23. As per claim 8, Parupudi discloses the computing resource is an application [fig. 6; col. 27 lines 19-21].

24. As per claim 9, Parupudi discloses the application has multiple configuration and the application is configured to be most appropriate for the environment in which the mobile device is located [fig. 16].

25. As per claim 10, Parupudi discloses the at least one resource to be configured is an information resource [col. 17 lines 1-47].

### ***Claim Rejections - 35 USC § 103***

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

28. Claims 1-5, 10, 11-15, 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rankin in view of Sibal.



29. As per claim 11, Rankin teaches a system for resource configuration in a multi-modal distributed computing system having at least one resource capable of being configured, the system comprising:

obtaining information associated with a mobile device within the system [col. 4 lines 12-15; from col. 4 line 61 to col. 5 line 12; col. 6 lines 33-51];

obtaining information associated with the system [col. 5 lines 12-15]

an arrangement for configuring said at least one resource based upon the information associated with the mobile device [col. 4 lines 51-54].

Wherein the mobile device is capable of utilizing the resource based on the interaction needs of the user [col. 4 line 61 to col. 5 line 10; col. 6 lines 28-67 – element 200 contains the user preference for service interaction as well as data for mobile communication device; col. 7 lines 21-30].

Although Rankin teaches the system can interact with user preferences to configure at least one resource of the mobile communications device in encounters with location based information services; however, Rankin does not explicitly teach the resource is configured to provide the most appropriate mode of interaction for a user of a system.

Sibal teaches another invention relates to applications that interact in two or more modes, voice mode and visual mode, with a user through a mobile device where the application mode switching may be performed based on a predetermined rules, or “adaptively” based on external condition [paragraph 0044]. Specifically, Sibal teaches, in the case where the user may wish to avoid disturbing others around him or her by disengaging the audio output, all output will be provided in visual form.

At the time of the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the system of Ranking with the mode swapping of Sibal to provide the most appropriate mode of interaction for a user of the system. The advantage of the Sibal method is that allow him or her to communicate affectively with the mobile device without disturbing others around him or her.

30. As per claim 12, Rankin discloses an information associated with the mobile device includes contextual information associated with the needs of the user of the mobile device, the location of the mobile device, and the environment in which the mobile device is located [col. 4 lines 12-15; from col. 4 line 61 to col. 5 line 12; col. 6 lines 33-51].

31. As per claim 13, Rankin discloses an information associated with the system includes information associated with the capabilities of devices within the system [col. 5 lines 12-15; col. 7 lines 40-44].

32. As per claim 14, Rankin discloses an information associated with the system includes information associated with characteristics of the environment in which the system is located [col. 6 lines 33-51].

33. As per claim 15, Rankin discloses the characteristics of the environment in which the system is located are current characteristics [S4 fig. 4].

34. As per claim 20, Rankin discloses the at least one resource to be configured is an information resource [col. 4 line 38 to col. 5 line 12].

### ***Conclusion***

**Examiner's note:**

Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent T. Tran whose telephone number is (571) 272-7210. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas c. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Vincent Tran



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PRIMARY EXAMINER